

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

BOBBY BLAND, DANIEL RAY CARTER, JR.,
DAVID W. DIXON, ROBERT W. MCCOY,
JOHN C. SANDHOFER, and
DEBRA H. WOODWARD,

Plaintiffs,

CASE NO.
4:11-CV-45

v.

B.J. ROBERTS, individually and in
his official capacity as Sheriff of
the City of Hampton, Virginia,

Defendant.

DEPOSITION UPON ORAL EXAMINATION
OF ROBERT T. McGEE,
TAKEN ON BEHALF OF THE PLAINTIFFS

Virginia Beach, Virginia

October 11, 2011

Appearances:

PATTEN, WORNOM, HATTEN & DIAMONSTEIN, L.C.
By: JAMES H. SHOEMAKER, JR., ESQUIRE
Counsel for the Plaintiffs

PENDER & COWARD
By: JEFF W. ROSEN, ESQUIRE
Counsel for the Defendant

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1	I N D E X			
2	DEONENT	EXAMINATION BY	PAGE	
3	ROBERT T. McGEE	Mr. Shoemaker	3,87	
4	Mr. Rosen	81		
5				
6		EXHIBITS		
7	NO.	DESCRIPTION	PAGE	
8	15	6/8/11 memo to Sheriff B.J. Roberts from April L. Borrero; ROBERTS 026-027		
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1		Deposition upon oral examination of ROBERT		
2		T. McGEE, taken on behalf of the Plaintiffs before		
3		Juanita Harris Schar, RMR, CCR, CRR, a Notary Public		
4		for the Commonwealth of Virginia at large, commencing		
5		at 10:20 a.m., on October 11, 2011, at the law offices		
6		of Pender & Coward, 222 Central Park Avenue, Suite 400,		
7		Virginia Beach, Virginia; and this in accordance with		
8		the Federal Rules of Civil Procedure.		
9		-----		
10		ROBERT T. McGEE, was sworn and deposed on		
11		behalf of the Plaintiffs as follows:		
12				
13		EXAMINATION		
14		BY MR. SHOEMAKER:		
15		Q. Captain, good morning. My name is Jamie		
16		Shoemaker. What we're about to do here today is I'm		
17		about to take your deposition. Have you ever given a		
18		deposition before?		
19		A. No, I have not.		
20		Q. A deposition is sworn testimony and it		
21		bears the same weight and dignity as if we were in a		
22		mahogany-walled courtroom downtown, so it's important		
23		that we build as clear a record as possible. To that		
24		end, I'm going to ask you to wait until I get through		
25		asking my question before you begin speaking and I'll		
				5
1		try to remember to do the same thing, to wait until		
2		you're finished speaking before I ask my next question.		
3		The reason for that is we're bound at some point in		
4		this deposition to talk over top of each other and that		
5		causes the record to get jumbled up. She can't take		
6		that down. So we both have to wait until the other is		
7		finished.		
8		Also, you have to verbalize your answers.		
9		You can't say "uh-huh" and "uh-uh" and you can't nod		
10		your head because she can't take that down. So you		
11		have to remember to verbalize your responses.		
12		Are you under any conditions or medications		
13		here today that would affect your ability to understand		
14		my questions and to answer them fully?		
15		A. No.		
16		Q. Okay. I represent the plaintiffs, Bobby		
17		Bland, Debra Woodward, Robert McCoy, John Sandhofer,		
18		David Dixon, and Danny Carter, who have filed a lawsuit		
19		in United States District Court against Sheriff B.J.		
20		Roberts for various First Amendment violations. That's		
21		what we're here on today.		
22		Could you state your full name for the		
23		record, please?		
24		A. Robert Timothy McGee.		
25		Q. And, Captain McGee, would you give us your		
3				3
1		home address, please?		
2		A. 75 Charles Parish Drive, Poquoson,		
3		Virginia, 23662.		
4		Q. Okay. And, Captain McGee, how long have		
5		you been employed by the Hampton sheriff's office?		
6		A. It will be 20 years December 1st.		
7		Q. And how long have you held the rank of		
8		captain?		
9		A. Approximately four to five years.		
10		Q. And prior to that what was your rank?		
11		A. Lieutenant.		
12		Q. And approximately how long were you a		
13		lieutenant?		
14		A. Probably about the same, four to		
15		five years.		
16		Q. And how do your duties now as a captain		
17		differ from your duties you held as a lieutenant?		
18		A. My duties now is the training supervisor,		
19		commander of training and professional standards.		
20		Q. All right.		
21		A. My job responsibilities as lieutenant was		
22		supervisor of courts and transportation, and prior to		
23		that I was a lieutenant in charge of the records		
24		division, and prior to that I was a lieutenant in		
25		charge as a shift commander. At the jail.		

2 (Pages 2 to 5)

<p>1 Q. Could you describe for me the duties that 2 you currently hold as captain?</p> <p>3 A. Right now, I'm the training supervisor, 4 responsible for overseeing all the training division 5 for the whole department.</p> <p>6 Q. And do you have any duties in addition to 7 that?</p> <p>8 A. Just the professional standards portion of 9 it.</p> <p>10 Q. All right. And did you hold the same 11 duties in 2009?</p> <p>12 A. No, I did not.</p> <p>13 Q. What duties did you hold in 2009?</p> <p>14 A. In 2009 I was the commander of the court 15 services division.</p> <p>16 Q. And were you a captain or a lieutenant at 17 that point?</p> <p>18 A. I was captain.</p> <p>19 Q. And when did you make the switch from court 20 services to training?</p> <p>21 A. I want to say it was October 12th of 2010.</p> <p>22 Q. Unless I indicate otherwise here today, my 23 questions refer to the time period of 2009. Now, I 24 might ask a question where I will broaden that expanse 25 or limit it somewhat, but generally speaking, if I</p>	<p>6 these notes when the meetings are concluded?</p> <p>7 A. We just brief the sheriff and sometimes 8 people have written notes, sometimes people just bring 9 a general briefing to the sheriff of what's going on in 10 their division.</p> <p>11 Q. Do you keep notes of your staff meetings?</p> <p>12 A. I keep notes as to what I talk about and 13 the important events that someone else would brief me 14 about that I would need to refer to at a later time.</p> <p>15 Q. And you keep a file of these notes?</p> <p>16 A. They're in a notebook like a composition 17 notebook.</p> <p>18 Q. Is it the type of composition notebook 19 where you can take paper in and out, or is it one of 20 those composition notebooks where you can't take paper 21 out?</p> <p>22 A. It's a spiral.</p> <p>23 Q. It's a spiral so you would have to tear the 24 sheet out?</p> <p>25 A. Yes, sir.</p> <p>Q. How far back do you have notes?</p> <p>A. I would have to check on that. I -- I keep the spiral notebook, and when it fills up I put another one in there. It goes with me to the staff meeting.</p> <p>Q. And you save the old spiral notebook?</p>
<p>1 don't state what time period I'm referring to, I'm 2 referring to 2009.</p> <p>3 How often back in 2009 and prior did the 4 sheriff hold staff meetings?</p> <p>5 A. What type of staff meeting?</p> <p>6 Q. Senior staff.</p> <p>7 A. He has a staff meeting for senior staff on 8 Tuesday afternoons.</p> <p>9 Q. Every week?</p> <p>10 A. Every week unless they are cancelled or 11 postponed or rescheduled.</p> <p>12 Q. And does Colonel Bowden keep minutes or 13 notes of those staff meetings?</p> <p>14 A. I believe she does.</p> <p>15 Q. Have you ever seen a -- apparently, I think 16 she keeps a notebook of staff meetings?</p> <p>17 A. I never seen a notebook.</p> <p>18 Q. How do -- what do you see her do? Do you 19 ever see her take notes at these meetings?</p> <p>20 A. Everyone comes to the meeting with their 21 notes and we discuss everyone's notes and current 22 events for each division, and she comes with her notes. 23 I don't know what kind of notes as far as her records, 24 what she keeps.</p> <p>25 Q. What do members of the senior staff do with</p>	<p>7</p> <p>1 A. I -- I may have one year prior because it 2 takes awhile to fill up that spiral notebook.</p> <p>3 Q. Do the other members of senior staff keep 4 spiral notebooks as well?</p> <p>5 A. I don't know what they do.</p> <p>6 Q. Back in 2009 did you use e-mail very -- by 7 the way, when I say "senior staff" -- and we were just 8 discussing the senior staff meetings -- who would 9 participate in these meetings?</p> <p>10 A. Usually captains and above unless there was 11 a special meeting involving someone else.</p> <p>12 Q. Back in 2009 did you use e-mail within the 13 office?</p> <p>14 A. Yes.</p> <p>15 Q. And did you have your own e-mail account so 16 that when you'd send an e-mail or you received an 17 e-mail it was either to or from Captain McGee?</p> <p>18 A. Yes. It was registered to me.</p> <p>19 Q. And did you have your own designated laptop 20 or, rather, desktop computer?</p> <p>21 A. Yes.</p> <p>22 Q. And would you typically -- back in 2009 was 23 it your custom -- would you typically send e-mails 24 every day?</p> <p>25 MR. ROSEN: Object to the form of the</p>

10	12
1 question.	1 A. At what part of 2009?
2 You can answer it.	2 Q. Now, we're talking about Dixon now?
3 A. I would receive e-mails. If I needed to	3 A. Dixon.
4 correspond with other people, I would send e-mails.	4 Q. At any part of 2009 did Dixon fall under
5	5 your supervision?
6 BY MR. SHOEMAKER:	6 A. It may have been January.
7 Q. Okay. Did you review any e-mails in	7 Q. Early in 2009?
8 preparation for your deposition today?	8 A. Maybe January of 2009, and that was
9 A. Just an e-mail on the time that I was	9 probably the entire time.
10 supposed to be here and the meeting.	10 Q. And then he was transferred to -- under
11 Q. And what meeting? This deposition?	11 someone else's supervision?
12 A. This deposition meeting.	12 A. Yes, sir.
13 Q. What else did you do, if anything, to	13 Q. How about Danny Carter? Did he work for
14 prepare for the deposition here today?	14 you at any point in 2009?
15 A. We had a meeting, let me see, it was last	15 A. No, sir.
16 week or the week before, with Mr. Rosen to tell us what	16 Q. Did you review any other documents in
17 a deposition is about and what to expect.	17 preparing for today's deposition?
18 Q. Okay. I don't need --	18 A. No, sir.
19 MR. ROSEN: He doesn't want to know what I	19 Q. All right. I'm going to ask you about the
20 told you.	20 duties of deputies within the Hampton sheriff's office.
21	21 And what I'm talking about the duties of deputies or
22 BY MR. SHOEMAKER:	22 asking you questions about deputies' responsibilities,
23 Q. I don't want to know the content of what	23 I'm referring to deputies within the Hampton sheriff's
24 Mr. Rosen said to you or what you said to Mr. Rosen in	24 office and only the Hampton sheriff's office. Okay?
25 that meeting.	25 A. Yes, sir.
11	13
1 Did you review any documents to prepare for	1 Q. The deputies when in the Hampton sheriff's
2 this deposition?	2 office typically attended a course at the Hampton Roads
3 A. I reviewed an eval, I believe.	3 -- Hampton Roads Criminal Justice Training Academy? Is
4 Q. An eval? Do you remember who the eval was	4 that the name of the school?
5 of?	5 A. They -- it's the Hampton Roads Criminal
6 A. Deputy Sandhofer.	6 Justice Training Academy now.
7 Q. All right. Why did you review that eval?	7 Q. Okay.
8 A. There was a question in reference to	8 A. They changed the name.
9 performance.	9 Q. How long ago did they change the name?
10 Q. Did Deputy Sandhofer work for you in 2009?	10 A. They changed the name when they moved from
11 A. Yes, he did.	11 Christopher Newport University some years ago to the
12 Q. Did Debbie Woodward work for you in 2009?	12 new location where they're at.
13 A. No, she did not.	13 Q. Was that prior to 2009?
14 Q. Did Bobby Bland work for you in 2009?	14 A. Yes.
15 A. No, he did not.	15 Q. The Hampton deputies take the basic
16 Q. Did Wayne McCoy work for you in 2009?	16 jailer's and court services course; is that correct?
17 A. No, he did not.	17 A. Yes, sir.
18 Q. Did David Dixon work for you in 2009?	18 Q. They do not take the basic law enforcement
19 MR. ROSEN: I object to the form of the	19 course; is that correct?
20 question. They don't work for him.	20 A. Yes, sir.
21 You can answer if you can.	21 Q. It's correct that they do not take it?
22	22 A. They do not take it.
23 BY MR. SHOEMAKER:	23 Q. Do you remember there coming a time back a
24 Q. Did they fall under your area of	24 few years ago when the sheriff was seeking the
25 supervision in 2009?	25 accreditation of CALEA?

1 A. Yes, sir. 2 Q. And CALEA is a national law enforcement 3 accreditation agency? Is that correct? 4 A. Yes, sir. 5 Q. Do you remember there having to be a -- 6 either a policy issued or policy change in regard to 7 the Hampton deputies' arrest powers in order to satisfy 8 CALEA? 9 A. I remember an issue on that, yes, I do. 10 Q. What do you remember about that issue? 11 A. That word was getting around that the 12 sheriff was taking away the arrest powers of the 13 deputies, which was not the case. 14 Q. Do you remember that prior to the CALEA 15 accreditation Hampton sheriff's deputies were allowed 16 to work -- sign up with the Hampton Police Department 17 to work events out in the community? 18 A. Yes, sir. 19 Q. That changed, didn't it? 20 A. It changed for a time frame. 21 Q. When did it change? 22 A. It changed while we were making 23 determinations as to the standard in reference to law 24 enforcement, how that fell in the category of law 25 enforcement versus what we do.	14 1 saying that in order to make an arrest, you have to be 2 basic law enforcement trained. 3 Q. Okay. Well, let me ask the question 4 differently. Are you aware of a standard from DCJS 5 that to make -- for a deputy to make an arrest not 6 incidental to the deputy's duties as a jailer or a 7 court services officer, that he has to be a graduate of 8 basic law enforcement? 9 MR. ROSEN: Object to the extent it calls 10 for an expert opinion. 11 You can answer it if you can. 12 A. I'm not aware of a standard. 13 14 BY MR. SHOEMAKER: 15 Q. There came a time, I think you've already 16 said, when the Hampton sheriff's office discontinued 17 its practice of allowing deputies to sign up with the 18 Hampton Police Department for outside duty. When I say 19 outside duty, I mean duty outside the Hampton sheriff's 20 office responsibilities. Is that correct? 21 MR. ROSEN: Object, mischaracterizes the 22 testimony. 23 You can answer it if you can. 24 A. There was a time frame for a short period 25 of time. I'm not aware of the dates. I can't remember
15 1 Q. And did the sheriff issue a memo or a 2 policy restricting deputies' arrest powers around that 3 time frame when that issue came up? 4 MR. ROSEN: Object to the form of the 5 question. 6 You can answer it if you can. 7 A. I don't remember seeing a memo. 8 9 BY MR. SHOEMAKER: 10 Q. How about a policy? 11 A. I don't remember seeing a policy. 12 Q. Do you remember seeing any document 13 addressing that subject? 14 A. No, I don't. 15 Q. The DCJS, or DCCJS, do you know what that 16 is? 17 A. DCJS. 18 Q. Okay. Do they have a regulation saying 19 that in order to have general exercise -- exercise 20 general arrest powers that deputies should be graduates 21 of the basic law enforcement course? 22 A. No, they don't. That -- no. 23 Q. You're not aware of that? So if the 24 sheriff testified to the contrary, he'd be mistaken? 25 A. I'm not aware of a standard from DCJS	15 1 the dates or the length of time that that was in 2 effect. 3 4 BY MR. SHOEMAKER: 5 Q. Did that policy come into effect in order 6 to satisfy CALEA? 7 A. The policy or the directive came into 8 effect while we were trying to determine how we satisfy 9 the law enforcement standards within the City of 10 Hampton. 11 Q. And how long was it in effect? 12 A. I do not remember how long it was in 13 effect. 14 Q. So Hampton deputies now can go sign up with 15 the Hampton sheriff's office to work events outside of 16 the Hampton sheriff's purview? 17 A. Yes. 18 Q. And how long have they been able to do 19 that, looking back from today? 20 A. For a number of years. 21 MR. ROSEN: I object to the form of the 22 question as to relevance. 23 24 BY MR. SHOEMAKER: 25 Q. What is a master deputy?

<p>1 A. Master deputy is a deputy who's been given 2 a career development position within the sheriff's 3 office.</p> <p>4 Q. Before I get into this, you used the phrase 5 "directive." Are you aware of a -- you obviously have 6 talked about the period where Hampton deputies were not 7 allowed to sign up with the Hampton Police Department 8 to work activities outside the purview of the Hampton 9 sheriff's office. You used the phrase "directive." 10 Are you aware of any directives in that regard?</p> <p>11 A. I'm not in that -- that may be a misspoken 12 on my behalf. It was -- it was either verbally told to 13 us or some other means of getting the information 14 disseminated. I do not remember exactly what it was.</p> <p>15 Q. How do you become a master deputy?</p> <p>16 A. You have to go through an application 17 process. You have to meet the criteria set by the 18 state in order to apply. If you meet that criteria, 19 you have to go before the master deputy board and be 20 approved by the board to become a master deputy.</p> <p>21 Q. Do you have any idea what percentage of the 22 Hampton deputies have attained the designation of 23 master deputy?</p> <p>24 A. Over what period of time?</p> <p>25 Q. Well, if you -- as of -- as of December,</p>	<p>18</p> <p>1 their background that would disqualify them or might 2 possibly disqualify them from being a deputy?</p> <p>3 A. Possibility, but I'm not involved in the 4 background checks.</p> <p>5 Q. Are you aware of any of those situations?</p> <p>6 A. No.</p> <p>7 Q. I want to talk about the discipline within 8 the Hampton sheriff's office and history of discipline 9 with the Hampton sheriff's office. I'm going to show 10 you a document that I'm going to have labeled 11 Plaintiff's 15.</p> <p>12</p> <p>13 (Plaintiff's Exhibit No. 15 was marked 14 for identification.)</p> <p>15</p> <p>16 BY MR. SHOEMAKER:</p> <p>17 Q. If you can take a moment and review this 18 document, Captain.</p> <p>19 Captain, what is a disciplinary board?</p> <p>20 A. That is a board that a deputy may face when 21 there was an action of negligence or something like 22 that as recommended by the commander or the director of 23 the division that that deputy works for.</p> <p>24 Q. How many disciplinary boards have you sat 25 on before?</p>
<p>19</p> <p>1 2009, do you have any idea what percentage of the 2 deputies would have been master deputies?</p> <p>3 A. A very small percentage. We may have had 4 four or five possibly.</p> <p>5 Q. Okay. Is it fair to say that achieving 6 master deputy status is a difficult thing to do?</p> <p>7 A. Can you define what you mean by difficult? 8 It's just a process.</p> <p>9 Q. Okay. Well, why is it only four out of 100 10 whatever, 130, 140 deputies were master deputies?</p> <p>11 A. Master deputies are granted by the state 12 compensation board based on the size of the agency. 13 You're allotted so many different -- so many slots for 14 master deputies, and as the budget became constricted, 15 the board no longer funded the master deputy program. 16 So if a deputy was a master deputy and they parted with 17 the sheriff's office, or were -- resigned or for 18 whatever reason no longer became a master deputy, then 19 that position was terminated. Until we got down to the 20 numbers that we have now.</p> <p>21 Q. Are background checks done for all deputies 22 before they're hired?</p> <p>23 A. Yes.</p> <p>24 Q. Has there ever been a situation where after 25 hiring a deputy you realized there was something in</p>	<p>21</p> <p>1 A. Exact numbers, I don't know. I did sit on 2 several.</p> <p>3 Q. I guess the boards convene on an as-needed 4 basis?</p> <p>5 A. Yes, sir.</p> <p>6 Q. I'd like for you to remember for me every 7 instance you can remember, and right now I just want 8 you to identify the deputies on whose disciplinary 9 boards you sat. Every one that you can remember 10 sitting here, looking back from today. I'm not talking 11 about just 2009 but looking back from today.</p> <p>12 MR. ROSEN: Object as to relevance.</p> <p>13 You can answer it.</p> <p>14 A. I am horrible with names.</p> <p>15 MR. ROSEN: It was asked to the best of 16 your recollection. If you can't remember, you can't 17 remember. Tell him the best you can.</p> <p>18 A. I can't remember. It's been probably over 19 a year since I've sat on a board.</p> <p>20</p> <p>21 BY MR. SHOEMAKER:</p> <p>22 Q. You can't remember a single deputy you've 23 ever sat on a board for?</p> <p>24 A. Michael Johnson.</p> <p>25 Q. Any others?</p>

	22		24
1	A. To say definitely, no.	1	paperwork. I mean, there was a lot of disciplinary
2	Q. Well, all right. Do you remember there	2	boards that I sat on. If I sat on that one, I could
3	being a disciplinary board regarding someone named	3	recall the incident, but I...
4	Pershard?	4	Q. I'm not just asking you about -- I'm not
5	A. Pershard?	5	asking you about right now boards you sat on. I'm
6	MR. ROSEN: Can you spell that?	6	asking for discipline that you're aware of.
7	MR. SHOEMAKER: I think P-E-R -- P-E-R-S-H-	7	A. I do not remember Lieutenant Lewis being
8	A-R-D.	8	disciplined.
9	A. Is that the first name or last name?	9	Q. All right. Do you remember a sergeant
10		10	Theodore Ford being disciplined for anything?
11	BY MR. SHOEMAKER:	11	A. Yes.
12	Q. That's the last name.	12	Q. What do you remember about that?
13	A. I can't remember exactly.	13	A. Sergeant Ford was disciplined for an
14	Q. Do you remember generally anything about	14	incident that happened where he participated in an
15	Pershard?	15	event and left his weapon on the seat of a vehicle, on
16	A. I remember a Pershard. I do not remember a	16	the back seat.
17	disciplinary board.	17	Q. Prior to his discipline for that
18	Q. Do you remember a disciplinary board for an	18	infraction, had he ever been disciplined for anything
19	employee -- and these might be employees, civilian	19	before that you're aware of?
20	employees, might be deputies. Do you remember a	20	MR. ROSEN: Objection, lack of foundation.
21	civilian disciplinary board for an employee named Hill?	21	You can answer if you can.
22	For not reporting or not securing an inmate and then	22	A. I don't remember him being in front of the
23	not reporting it.	23	board for anything else.
24	A. I remember the incident. I don't remember	24	
25	whether or not he went to a board or not.	25	
	23		25
1	Q. What do you remember about that incident?	1	BY MR. SHOEMAKER:
2	A. Just what you said, that there was an	2	Q. Do you remember him being disciplined for
3	incident. Do you have the first name so I can make	3	anything else?
4	sure?	4	A. No, I do not.
5	Q. No, I don't. Uh-uh.	5	Q. Do you remember there coming a time of an
6	A. It was a Hill that had an incident for	6	incident apparently when a Deputy Mitchell discharged
7	transporting an inmate without restraints.	7	his weapon accidentally and I think shot himself in the
8	Q. Do you remember if that person Hill had	8	hand?
9	ever had any prior discipline of any kind?	9	A. Yes.
10	A. I would say yes.	10	Q. I think there was an incident on a firing
11	Q. Do you remember roughly when this	11	range where that occurred. Is that correct?
12	discipline was?	12	A. Yes.
13	A. No, I do not.	13	Q. And then there was a second incident in one
14	Q. Do you remember Lieutenant Harry Lewis	14	of the court buildings where that occurred with Deputy
15	facing a disciplinary board?	15	Mitchell. Is that correct?
16	A. Not definitely, no.	16	A. No, it's not. It was not in the court
17	Q. What about generally or indefinitely? Can	17	building.
18	you remember anything about Lieutenant Harry Lewis	18	Q. Where was the second discharge?
19	being disciplined for something?	19	A. The second discharge was in the weapons
20	A. I don't remember.	20	armory.
21	Q. You don't remember anything?	21	Q. All right. And on the second occasion did
22	A. Not --	22	he hit himself in the hand?
23	Q. As far as you know, he was never	23	A. Yes.
24	disciplined?	24	Q. Was he disciplined at all for either of
25	A. I would have to refer back to some	25	those two events?

	26		28
1	A. Yes. He was suspended as a firearms	1	all?
2	instructor for a year. I believe it was a year.	2	A. I do not remember.
3	Q. Was he -- he was a lieutenant at some	3	Q. Was there any report made as a result of
4	point, right?	4	Mitchell's accidental discharges?
5	A. Yes, sir.	5	A. He wrote incident reports.
6	Q. Was he a lieutenant when either of those	6	Q. Did any -- did either of those discharges
7	events occurred?	7	have to be reported outside the sheriff's office for
8	A. I remember him being a lieutenant on the	8	any reason?
9	second incident. The first one, I don't remember	9	A. I do not think they're required to be
10	whether he was or he wasn't.	10	reported, and I can't remember for the second incident
11	Q. Do you remember when these events occurred?	11	how that one was handled. I think that the first
12	A. Not exactly by date, no.	12	incident was handled by HPD as well. Hampton Police
13	Q. Were they within the past five years from	13	Division.
14	today?	14	Q. When you say "handled," do you mean
15	A. Probably so, yes.	15	investigated?
16	Q. Did you sit on the disciplinary board	16	A. Yes. And I do not know if they did a
17	related to either of those two incidents?	17	formal investigation because it was considered
18	A. No, I did not.	18	accidental.
19	Q. Were there disciplinary boards for that, or	19	Q. Other than Sergeant Ford, are you aware of
20	do you know?	20	any employee of the Hampton sheriff's office ever
21	A. I don't remember if it was handled formally	21	misplacing a weapon?
22	or informally.	22	A. I am aware of two weapons, possibly three
23	Q. Can you remember any other accidental	23	that were lost.
24	discharges of weapons?	24	Q. Do you know who the employees were who were
25	A. One.	25	responsible for those weapons?
	27		29
1	Q. And who was involved in that?	1	A. I'm pretty sure that one of them was Danny
2	A. Sergeant Johnson. William Johnson.	2	Carter, one of them was James Jones, and I'm not
3	Sergeant William Johnson.	3	familiar with the third one. I just remember that
4	Q. So William Johnson and Sammy Mitchell are	4	there was an incident.
5	the only two accidental discharges of weapons that you	5	Q. Well, if an employee lost a weapon, would
6	can remember?	6	they be disciplined for that?
7	A. That's the only two I remember.	7	A. It depends on how the weapons were lost.
8	Q. When an accidental discharge of a weapon	8	Deputy Jones' weapon was stolen. If I remember
9	occurs, is a report to be made to some state authority?	9	correctly, Deputy Carter's weapon came up missing and
10	A. The -- to a state authority?	10	was found on the interstate by a state trooper. That's
11	Q. Or to any authority.	11	all I can remember about those.
12	MR. ROSEN: Objection to relevance.	12	MR. ROSEN: What deputy was that, did you
13	You can answer it.	13	say?
14	A. The incident with William Johnson was	14	THE DEPONENT: I want to say that was
15	investigated by the police division because it happened	15	Deputy Carter.
16	off duty at his residence.	16	
17		17	BY MR. SHOEMAKER:
18	BY MR. SHOEMAKER:	18	Q. Would he have been written up for that?
19	Q. How did the sheriff's department learn	19	A. I -- I don't remember. It depends on his
20	about the incident?	20	report, how -- whether it was negligence, whether it
21	A. He called us.	21	was stolen, how it was reported. I don't remember
22	Q. Did he shoot himself accidentally?	22	exactly what happened --
23	A. No, it was just an accidental discharge in	23	Q. Did you say --
24	his home.	24	A. -- about the incident.
25	Q. All right. Was he disciplined for that at	25	Q. -- there was a third weapon being lost that

	30		32
1	you can't remember, sitting here?	1	A. Yes.
2	A. All weapons have been recovered except for	2	Q. Do you remember any other incidents?
3	the one from James Jones.	3	A. I remember several incidents where inmates
4	One, apparently, at some point in time, if	4	were wrongfully released due to negligence.
5	I remember correctly, turned up in a pawn shop. I	5	Q. What deputies do you remember being
6	don't remember who that weapon belonged to or how it	6	responsible or at least partially responsible for
7	got there.	7	wrongful release of inmates due to negligence?
8	Q. Can you remember any incidents where an	8	A. I don't want to call someone's name in
9	employee of the Hampton sheriff's office lost equipment	9	error.
10	other than weapons?	10	Q. I want you to name the name if you think
11	Equipment owned by the Hampton sheriff's	11	they may have been involved.
12	office or owned by the state. Or the city.	12	A. Ron Rose.
13	A. No, just one -- on a couple of occasions a	13	Q. Anyone else?
14	deputy has lost a canister, two-ounce canister of Mace.	14	A. I need a minute to think.
15	Q. You can't remember any incidents where	15	John Eaton maybe.
16	deputies have lost ammunition or...?	16	Q. Anyone else?
17	A. No ammunition or anything like that, no,	17	A. That's all I can put a name on right now.
18	sir.	18	Without referral.
19	Q. How about do you all have bulletproof	19	Q. Any other types of serious infractions that
20	vests?	20	you can recall, sitting here?
21	A. Some do, some don't.	21	A. The incident with Sergeant Ford.
22	Q. And you can't remember any incidents where	22	Q. Any others?
23	any equipment like that has ever been lost?	23	A. That's all I can think of now.
24	MR. ROSEN: Objection, asked and answered.	24	Q. Can you remember any incidents where an
25	THE DEPONENT: I'm sorry. What did you	25	employee of the Hampton sheriff's office has received a
	31		33
1	say?	1	DUI or DWI charge?
2	MR. ROSEN: I said it was asked and	2	A. I'm not aware of that, no.
3	answered already.	3	Q. Can you think of any incidents, are you
4	You can answer him again.	4	aware of any incidents where an employee of the Hampton
5	A. No, I do not.	5	sheriff's office has been charged with reckless
6		6	driving?
7	BY MR. SHOEMAKER:	7	A. I'm not aware of any incidents for that
8	Q. All right. Can you think of any serious	8	either.
9	infractions of Hampton sheriff's office policy that	9	Q. Are you aware of any incidents where a
10	have occurred while you were -- you've been a captain?	10	Hampton sheriff's office employee was involved in a
11	By a deputy.	11	traffic accident in a public vehicle where there were
12	MR. ROSEN: Object to the form of the	12	injuries?
13	question. Overbroad, undefined.	13	A. Department vehicle, yes.
14	You can answer if you can.	14	Q. Tell me what you remember about that.
15	A. You would have to define serious	15	A. Deputy Eley (phonetic) is a civil officer,
16	infractions.	16	serving civil process. She was rear-ended by an
17		17	individual in the Buckroe area somewhere in the
18	BY MR. SHOEMAKER:	18	neighborhood of First Street and Pembroke Avenue. She
19	Q. Well, I want to use your definition of	19	was injured and taken to the hospital for treatment.
20	serious.	20	Q. Do you remember any others?
21	A. Yes.	21	A. Serious injuries, that's the most serious
22	Q. What's the first incident you remember?	22	injury that I remember.
23	A. Deputy Hill.	23	I remember William Johnson had an accident
24	Q. This is the same Hill we were discussing a	24	on his way to work one time where he had ran into
25	minute ago?	25	someone and it was determined that he had an underlying

	34		36
1	condition.	1	A. I'm not aware. I do not remember anyone
2	Q. Any other accidents where there were	2	else being disciplined. I'm not saying that it did not
3	injuries?	3	happen.
4	A. I can't remember any other accidents that	4	Q. Do you remember any deputies ever being
5	had injuries.	5	disciplined for being insubordinate?
6	Q. Can you remember any vehicle accidents in	6	A. Yes.
7	sheriff's office vehicles where there was vehicle	7	Q. Who do you remember? What deputies do you
8	damage but there were no injuries?	8	remember being disciplined for being insubordinate?
9	A. There's a lot of vehicles that are damaged	9	A. Margaret Evans.
10	due to negligence.	10	Q. These questions are all about, you know,
11	Q. Can you remember any deputies who have been	11	what you remember ever happening, not just limited to
12	guilty of causing damage to a sheriff's vehicle because	12	2009.
13	of negligence more than once?	13	A. (Moved head up and down).
14	MR. ROSEN: Object to the form of the	14	MR. ROSEN: Object to the form of the
15	question.	15	question.
16	You can answer it.	16	You can answer if you can.
17	A. I do not know the results. They have a	17	
18	vehicle accident review board. I don't sit on the	18	BY MR. SHOEMAKER:
19	board, so I could not determine whether it was	19	Q. What do you remember about Margaret Evans
20	negligence based on what they found during the accident	20	being disciplined?
21	review board.	21	A. She was working in our intake division.
22		22	She had an incident with the supervisor of civil
23	BY MR. SHOEMAKER:	23	process.
24	Q. Are you aware of any deputies already	24	Q. Who was that supervisor?
25	having been disciplined for a vehicle accident where	25	A. John Snelling.
	35		37
1	there was damage to a vehicle?	1	Q. Was he a lieutenant?
2	A. Yes.	2	A. He's a sergeant.
3	Q. Who are you aware of having been	3	Q. All right. And what was she alleged to
4	disciplined for that?	4	have done?
5	A. Deputy Eley.	5	A. She was disrespectful to the sergeant and
6	Q. I thought you said she was rear-ended.	6	to me.
7	A. I'm sorry. This is Deputy Eley. That is	7	Q. What sort of discipline did she receive?
8	the wrong deputy. I need to correct that.	8	A. She got a written counseling.
9	Q. Okay. Who was it?	9	Q. Do you remember when this occurred?
10	A. It was Deputy Cherry.	10	A. The exact date, no, I do not.
11	Q. Any other deputies who were disciplined	11	Q. Do you know what year?
12	because of vehicle damage? That you're aware of.	12	A. It may have been 2007.
13	A. Not that I'm aware of.	13	Q. When she was disciplined for this act of
14	Q. What happened in Deputy Cherry's case?	14	insubordination, had she ever been disciplined for
15	A. She had an accident and apparently the dis	15	anything before that you're aware of?
16	-- the accident review board found that it was	16	A. I can't testify to that. She was not in my
17	negligence and she was disciplined where she had to	17	division.
18	assist with payment for the damage. A portion. I do	18	Q. Are you aware of any other deputies or
19	not know what the percentage or the -- her portion was.	19	employees of the Hampton sheriff's office ever being
20	Q. Had she ever been disciplined for anything	20	disciplined for insubordination of any kind?
21	prior to this incident? Do you know?	21	MR. ROSEN: Objection to the form.
22	A. I do not think so.	22	You can answer it.
23	Q. Are you aware of any other deputies who	23	A. I don't remember.
24	were disciplined because of damage to a vehicle?	24	
25	Other than what you've told me about.	25	

	38		40
1	BY MR. SHOEMAKER:	1	A. There was someone with him. I can't
2	Q. You don't remember any?	2	remember the name of the deputy that came with him to a
3	A. Any others.	3	disciplinary board.
4	Q. Do you remember any deputies or employees	4	Q. Any other incidents?
5	of the Hampton sheriff's office ever having been	5	A. That's the only one I remember.
6	disciplined for being abusive toward prisoners?	6	Q. And what did Mike -- what was Michael
7	A. No, I do not.	7	Johnson accused of doing?
8	Q. Do you remember any incidents of Hampton	8	A. He was -- there was an incident at intake
9	sheriff's office deputies or employees being	9	where it was stated in his hearing that the major had
10	disciplined for having inappropriate relationships with	10	reported to intake at a specific time, which he did
11	prisoners?	11	not. And he was aware of the incident. And it was
12	A. I don't remember anything specifically in	12	proven that that was not true.
13	that.	13	Q. So he was innocent of the allegation?
14	Q. Do you remember anything generally in that	14	A. No, he was guilty.
15	regard?	15	Q. Oh. He was guilty of the allegation.
16	A. Disciplined, I do not remember anyone being	16	Okay. And again, his infraction was what now?
17	disciplined for any of those charges.	17	A. There was an incident, but surrounding the
18	Q. Do you remember any Hampton sheriff's	18	incident there was a statement that he made in
19	office deputy or employee being accused of having an	19	reference to the major reporting to intake, which was
20	inappropriate relationship with a prisoner? But not	20	not true.
21	being disciplined.	21	Q. So he alleged in a statement that a major
22	A. Your definition of inappropriate?	22	had reported to intake and that fact was not true?
23	Q. I want you to use your definition of	23	A. Yes.
24	inappropriate.	24	Q. And what happened to him because of this
25	A. I remember one incident where someone	25	infraction?
	39		41
1	visited an inmate in another facility.	1	A. The board recommended termination.
2	Q. A Hampton sheriff's office employee visited	2	Q. And was he terminated --
3	an inmate in another facility?	3	A. Yes.
4	A. Yes.	4	Q. -- as a result of this infraction?
5	Q. It was a facility not under the purview of	5	A. Yes.
6	the Hampton sheriff's office?	6	Q. And you don't remember who else was
7	A. Yes.	7	involved in this?
8	Q. And what employee was that?	8	A. No, I do not.
9	A. I do not remember the name, and that's why	9	Q. Do you know of any employees in the Hampton
10	I was reluctant to say, I remember something about an	10	sheriff's office who are related to Sheriff B. J.
11	incident where -- and someone visited an inmate in	11	Roberts?
12	another detention facility. And that's all I can	12	MR. ROSEN: Objection as to relevance.
13	remember.	13	Answer it.
14	Q. Was there an issue of that visit being	14	
15	romantic or sexual?	15	BY MR. SHOEMAKER:
16	A. I don't remember. Not to my knowledge, no.	16	Q. By related, I mean a familial relationship
17	Q. Are you aware of any employees of the	17	of some sort.
18	Hampton sheriff's office or any deputies within the	18	A. Yes.
19	Hampton sheriff's office ever being alleged to have	19	Q. Who are they?
20	engaged in some conduct involving dishonesty?	20	A. Wendell Barnwell.
21	A. Yes.	21	Q. Are there any others?
22	Q. What employees do you remember being	22	A. That's the only one I know of.
23	involved in incidents related to dishonesty?	23	Q. And Wendell Barnwell is his nephew?
24	A. Michael Johnson.	24	A. Yes.
25	Q. Any others?	25	Q. Are you aware of Wendell Barnwell ever

	42		44
1	having been disciplined for anything?	1	remember?
2	A. He was involved in the incident with	2	A. It gives explanation of the procedures for
3	Sergeant Ford. I think he was disciplined somewhat. I	3	disciplinary action.
4	don't remember what his discipline was.	4	Q. Okay.
5	Q. Who else other than Barnwell was involved	5	A. And the appeal process and things of that
6	in that incident, if anyone?	6	nature.
7	A. Cayetano Coronado.	7	Q. Does the policy generally call for applying
8	Q. Coronado, Deputy Coronado?	8	gradations of discipline based on the infraction?
9	A. Yes.	9	MR. ROSEN: Object to the form of the
10	Q. Do you remember Coronado's first name?	10	question.
11	A. Cayetano.	11	You can answer it.
12	Q. Fayetano?	12	A. There's a progressive disciplinary action
13	A. Cayetano. C-A-Y-E-T-A-N-O.	13	that an immediate supervisor can take. More serious
14	Q. Cayetano. Was Cayetano disciplined as	14	infractions are referred to the director of the
15	well?	15	division for recommendations on disciplinary action.
16	A. Yes.	16	
17	Q. And that incident, Sergeant Ford had	17	BY MR. SHOEMAKER:
18	apparently left his weapon in the back seat of a	18	Q. All right. And is it generally the policy
19	sheriff's vehicle?	19	of the Hampton sheriff's office that lapses in
20	A. Yes.	20	performance or infractions of policy should be
21	Q. And then what, Barnwell and Coronado	21	documented so that the employee can learn from them?
22	transported a prisoner in that vehicle?	22	A. Yes.
23	A. Barnwell --	23	Q. Did you attend a staff meeting in either
24	MR. ROSEN: Objection to the form of the	24	November or December of 2009, the subject of which was
25	question.	25	which deputies should not be or which employees should
	43		45
1	You can answer it.	1	not be reappointed?
2	A. Barnwell transported a prisoner.	2	A. No.
3		3	Q. Did you attend any meeting in November or
4	BY MR. SHOEMAKER:	4	December of 2009 at which -- with senior staff at which
5	Q. What did Coronado do?	5	the subject was which employees or deputies should not
6	A. Coronado delivered the vehicle to Barnwell.	6	be reappointed?
7	Q. And so Sergeant Ford was guilty of leaving	7	A. No.
8	the weapon in the back seat, Coronado was guilty of not	8	Q. Did you attend any senior staff meeting at
9	checking the vehicle, and Barnwell was guilty of not	9	all, put aside -- in 2009 did you attend any senior
10	checking the vehicle?	10	staff meeting at all, the subject of which was whether
11	MR. ROSEN: Objection to the form of the	11	or not certain deputies or employees should not be
12	question. It's not a criminal charge.	12	reappointed?
13	You can answer.	13	A. No.
14	A. That's the basis of the incident, yes.	14	Q. Did you believe in 2009 that Deputy David
15		15	Dixon should not be reappointed, or did you simply not
16	BY MR. SHOEMAKER:	16	have an opinion on the matter?
17	Q. All right. And so Coronado was	17	A. No opinion.
18	disciplined, Ford was disciplined, and Barnwell was	18	Q. Did you believe in 2009 that Deputy Robert
19	disciplined?	19	W. McCoy should not be reappointed, or did you simply
20	A. Yes.	20	have no opinion on the matter?
21	Q. Does the sheriff's office have a discipline	21	A. No opinion.
22	policy?	22	Q. Did you believe in 2009 that Deputy John C.
23	A. Yes.	23	Sandhofer should not be reappointed, or did you simply
24	Q. And what do you -- what do you remember --	24	have no opinion on the matter?
25	what does the discipline policy say, as best you can	25	A. No opinion.

<p style="text-align: right;">46</p> <p>1 Q. Did you believe in 2009 that Debra Woodward 2 should not be reappointed, or did you simply have no 3 opinion on the matter?</p> <p>4 A. No opinion.</p> <p>5 Q. Did you believe in 2009 that Deputy Daniel 6 Carter should not be reappointed, or did you simply 7 have no opinion on the matter?</p> <p>8 A. No opinion.</p> <p>9 Q. Did you believe in 2009 that Bobby Bland 10 should not be reappointed, or did you simply have no 11 opinion on the matter?</p> <p>12 A. No opinion.</p> <p>13 Q. Major Wells-Major's first name is Belinda, 14 right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Does she go by Belinda? To people who -- I 17 mean is she on a first-name basis with you or with any 18 of the senior people in the office?</p> <p>19 A. She's on the major level with me.</p> <p>20 Q. All right. All right. Have you ever heard 21 either the sheriff, Colonel Bowden -- withdraw that. 22 Have you ever heard any senior officer 23 within the Hampton sheriff's office say anything like, 24 quote, "If you don't support the sheriff, you're going 25 to be out of here," end quote?</p>	<p style="text-align: right;">48</p> <p>1 you or hurt you," end quote.</p> <p>2 A. No.</p> <p>3 Q. Have you ever heard any senior officer 4 within the Hampton sheriff's office say, quote, 5 "Supporting the sheriff could help you," end quote, or 6 anything like that?</p> <p>7 A. No.</p> <p>8 Q. Have you ever heard any senior officer 9 within the Hampton sheriff's office say anything like 10 that, quote, "Be sure you are supporting the right 11 person," end quote?</p> <p>12 A. No.</p> <p>13 Q. Have you ever heard any senior officer 14 within the Hampton sheriff's office say anything like 15 that, quote, "It is in your best interest to support 16 the sheriff," end quote?</p> <p>17 A. No.</p> <p>18 Q. Have you ever made a statement like that?</p> <p>19 A. Not that I remember.</p> <p>20 Q. Is it possible that you made such a 21 statement, you simply don't remember it, sitting here?</p> <p>22 MR. ROSEN: Objection, calls for 23 speculation.</p> <p>24 You can answer it.</p> <p>25 A. Possibility. I don't remember.</p>
<p style="text-align: right;">47</p> <p>1 A. No.</p> <p>2 Q. Have you ever heard any senior officer 3 within the Hampton sheriff's office say anything like, 4 quote, "If you don't support the sheriff, you're not 5 going anywhere," end quote?</p> <p>6 A. No.</p> <p>7 Q. Have you ever heard any senior officer -- 8 and by senior officer, I mean anyone at the rank of 9 lieutenant or above. Okay?</p> <p>10 A. (Moved head up and down).</p> <p>11 Q. And with that caveat, does your answer 12 change at all on the previous two questions I just 13 asked?</p> <p>14 A. No.</p> <p>15 Q. Have you ever heard any senior officer 16 within the Hampton sheriff's office ever say anything 17 like, quote, "Supporting the sheriff could help you or 18 hurt you, it's up to you," end quote?</p> <p>19 A. No.</p> <p>20 Q. Have you ever heard any senior officer 21 within the Hampton sheriff's office say anything like 22 that, quote, "Supporting the sheriff could help you or 23 hurt you," end quote?</p> <p>24 A. Could you repeat that?</p> <p>25 Q. Quote, "Supporting the sheriff could help</p>	<p style="text-align: right;">49</p> <p>1 BY MR. SHOEMAKER:</p> <p>2 Q. But it's possible?</p> <p>3 A. Anything is possible.</p> <p>4 Q. Well, it's not possible that you killed 5 somebody in 2009, is it?</p> <p>6 A. No, sir.</p> <p>7 Q. It's not possible that you robbed a bank in 8 2009, is it?</p> <p>9 A. No.</p> <p>10 Q. Do you remember there being a shift change 11 meeting in 2009 at which the sheriff -- and I believe 12 the shift change meeting would have occurred either in 13 August or September of 2009, and the sheriff attended 14 and spoke?</p> <p>15 A. Were you referring to the meeting being 16 held...?</p> <p>17 Q. Well, let me start with any shift change 18 meeting.</p> <p>19 A. August I remember a meeting in the court 20 services division that the sheriff attended.</p> <p>21 Q. In that meeting did the sheriff say 22 anything like that, quote, "I am going to have this job 23 as long as I want it," end quote?</p> <p>24 A. I don't remember that statement.</p> <p>25 Q. Do you remember any statement like that?</p>

	50		52
1	A. No.	1	false statement would be perjury?
2	Q. Do you remember the sheriff saying, quote,	2	MR. ROSEN: Objection, argumentative. You
3	"My train is the long train," end quote, or making any	3	don't have to threaten with perjury now, Mr. Shoemaker.
4	statement like that?	4	That's improper in a deposition, okay?
5	A. No, sir.	5	MR. SHOEMAKER: I'm not threatening him.
6	Q. Do you remember the sheriff saying, quote,	6	MR. ROSEN: Yes, you are. Yes, you are.
7	"I will be sheriff until I don't want to be sheriff,"	7	Hold on a second. Hold on a second. Let's take a
8	end quote, or any statement like that?	8	break.
9	A. No.	9	
10	Q. Do you remember the sheriff mentioning	10	(Recess)
11	getting on the, quote, "short train," end quote? And	11	
12	I'll tell you the sheriff testified the other day that	12	BY MR. SHOEMAKER:
13	he talked about the long train and short train.	13	Q. Back on the record.
14	MR. ROSEN: Objection to the form of the	14	You understand you're still under oath,
15	question. That's an improper question.	15	right, Captain?
16	You can answer it if you can.	16	A. Yes, sir.
17	A. I don't remember those statements. I	17	Q. How long did the sheriff speak in this
18	remember the meeting.	18	meeting where he gave this appeal in support of his
19		19	campaign? How long did he speak?
20	BY MR. SHOEMAKER:	20	A. Just a few minutes.
21	Q. You do remember the meeting?	21	Q. Do you remember Colonel Bowden speaking
22	A. I remember the meeting.	22	after the sheriff spoke?
23	Q. And you remember the sheriff speaking?	23	A. I don't remember seeing Colonel Bowden
24	A. I remember the sheriff speaking.	24	there.
25	Q. And what did the sheriff say?	25	Q. Do you remember Major Richardson being
	51		53
1	A. Without exact words, it was an appeal for	1	there?
2	the deputies there, appealing for their support.	2	A. No.
3	Q. Did the sheriff mention he had learned	3	Q. Did you only attend one such meeting where
4	about certain deputies being on Facebook for Jim Adams?	4	the sheriff spoke an appeal?
5	A. I don't remember that statement about any	5	A. Just one.
6	Facebook. At that meeting?	6	Q. Was it a shift change meeting?
7	Q. Right.	7	A. It was a staff meeting for the court
8	A. No.	8	services staff, and the sheriff spoke after the meeting
9	Q. Do you remember the sheriff ever mentioning	9	was over. Or at the beginning. I can't remember which
10	that he had learned that certain deputies were on	10	one.
11	Facebook supporting Jim Adams?	11	Q. Were members of the operations department
12	A. No.	12	also there?
13	Q. You're under oath here today.	13	A. I remember that the -- my staff was there.
14	A. I know.	14	I can't remember exactly who from the other division
15	MR. ROSEN: Objection, that's improper.	15	was there. It's -- it's possible that they were there.
16	You don't have to remind him he's under oath.	16	I don't remember them being there.
17	Ignore that.	17	Q. Do you remember Danny Carter being there?
18	MR. SHOEMAKER: I have every right to	18	A. Danny Carter was not in courts division.
19	remind him he's under oath.	19	He would have no reason to be there.
20		20	Q. Do you remember if Ken Darling was there?
21	BY MR. SHOEMAKER:	21	A. Ken Darling.
22	Q. You understand you're under oath here	22	Ken Darling. Where did he work at?
23	today?	23	Q. I think he was in the admin. support at the
24	A. Yes.	24	time, or operations at the time.
25	Q. And you understand that any materially	25	A. I don't -- I don't remember seeing his

<p style="text-align: right;">54</p> <p>1 face. He could have been there. I'm not sure. 2 Q. Do you remember appeals being made by the 3 sheriff or any other members of his senior staff, 4 appeals or requests from the sheriff or any other 5 members of his senior staff, lieutenant or above, in 6 2009 for political support for his campaign effort? 7 A. He appealed for support at the meeting to 8 staff.</p> <p>9 Q. Okay. 10 A. Now, what type of -- are you talking 11 about...? 12 Q. Well, let me back up. I'll ask it in a 13 more detailed way. Do you ever remember Major 14 Richardson ever speaking to any deputies either as a 15 group or one on one where he said: Hey, I need you to 16 do something for the sheriff, in support of his 17 campaign?</p> <p>18 Not exactly those words but words like that 19 where he was asking for support from employees with the 20 sheriff's office.</p> <p>21 A. I don't remember him coming to the division 22 that I was in, asking for people to support. 23 Q. Okay. I'm not -- my question is not 24 restricted, though, coming to your division. Do you 25 remember him doing that at all?</p>	<p style="text-align: right;">56</p> <p>1 MR. ROSEN: Objection to the form of the 2 question. 3 4 BY MR. SHOEMAKER: 5 Q. Do you know whether or not the proceeds 6 from the golf tournament were to go to support his 7 reelection effort? Is that your understanding? 8 A. Yes. 9 Q. And you have seen Major Richardson come 10 around selling tickets to the event? 11 MR. ROSEN: Object to the form of the 12 question. 13 If you can answer, answer it. 14 A. I don't think he was selling the tickets. 15 16 BY MR. SHOEMAKER: 17 Q. He was seeking deputies to sell tickets? 18 A. He was seeking support of selling the 19 tickets if they wanted to. 20 Q. And what would he say? What would he say 21 to the deputies? 22 A. Do you want to sell some barbecue tickets 23 to support the sheriff? 24 Q. When you say "barbecue," the barbecue was 25 held in conjunction with the golf tournament?</p>
<p style="text-align: right;">55</p> <p>1 MR. ROSEN: Object to the form of the 2 question. 3 You can answer it if you can. 4 A. What type of support are you -- just...? 5 6 BY MR. SHOEMAKER: 7 Q. Any sort of support -- any sort of support 8 in aid of the sheriff's reelection effort in 2009. Or 9 prior to 2009. 10 A. I think he -- he -- he would have tickets. 11 Q. To the golf event? 12 A. Yes. 13 Q. To the golf tournament? 14 A. Yes. 15 Q. And the sheriff held a golf tournament 16 every year in support of his political reelection, 17 correct? 18 A. Yes. 19 Q. That was held every year irrespective of 20 whether the sheriff was in a campaign that year, 21 correct? 22 A. Yes. 23 Q. As far as you know, the proceeds of that 24 golf tournament would go to support his reelection 25 effort, correct?</p>	<p style="text-align: right;">57</p> <p>1 A. Yes. 2 Q. Or was that a separate event? 3 A. It's the same. 4 Q. Did any deputies ever complain to you about 5 this? 6 MR. ROSEN: Objection to relevance. 7 You can answer if you can. 8 A. They -- they may have. I'm not going to 9 say that it was a complaint, because they accepted 10 tickets. 11 12 BY MR. SHOEMAKER: 13 Q. Did any deputies complain to you that they 14 felt coerced or they felt pressured to accept the 15 tickets and to sell them? 16 MR. ROSEN: Objection, hearsay. 17 You can answer it. 18 A. I don't remember them saying that they were 19 coerced into selling tickets. 20 21 BY MR. SHOEMAKER: 22 Q. Do you remember them saying anything like 23 that? 24 A. I remember them asked about if they wanted 25 to sell tickets.</p>

	58		60
1	Q. Who do you remember asking this?	1	BY MR. SHOEMAKER:
2	A. The major would ask individuals. He would	2	Q. Who's "they"?
3	come around when it came that time and ask deputies if	3	A. The major.
4	they wanted to sell tickets to the barbecue or golf	4	Q. And he would do this with other deputies,
5	tournament.	5	too?
6	Q. I'll come back to this in a minute. Do you	6	A. As far as I know, yes.
7	remember the major coming around and saying anything	7	Q. Did you ever see the major ever say
8	else about the sheriff's reelection effort? Other	8	anything like, Hey, you really ought to support the
9	than: Do you want to help sell some tickets?	9	sheriff for reelection this fall, to employees?
10	A. In reference to the barbecue or golf	10	MR. ROSEN: Objection to the form of the
11	tournament?	11	question.
12	Q. In reference to the reelection effort, the	12	You can answer it if you can.
13	reelection campaign at all.	13	A. Specifically, I can't remember him saying
14	A. I don't -- I don't remember him saying	14	that. Everybody in general would support the sheriff.
15	anything specific to that, no.	15	
16	Q. Do you remember him saying anything	16	BY MR. SHOEMAKER:
17	generally about that?	17	Q. Why was that?
18	A. No. He was -- he was in the corrections	18	A. He's our boss. And we support the sheriff.
19	division. I don't remember him coming over to the	19	Just loyalty.
20	other division seeking that support. Or whatever.	20	Q. Did anyone ever inquire of you who any of
21	Q. Did you --	21	your employees were supporting for sheriff in 2009.
22	A. I'm not saying that it didn't happen. I	22	A. Inquire of me of what?
23	don't recall him visually or hear him say anything that	23	Q. Of whether or not any of your employees
24	I can remember.	24	were supporting the sheriff for reelection in 2009?
25	Q. Okay. Did you think there was anything	25	MR. ROSEN: Object to the form of the
	59		61
1	inappropriate about a major within the office coming up	1	question. You mean his subordinates?
2	to a rank-and-file employee and asking them: Hey, will	2	
3	you sell some tickets for the golf tournament?	3	BY MR. SHOEMAKER:
4	MR. ROSEN: Objection, irrelevant.	4	Q. I mean -- yes. Any of your subordinates.
5	You can answer.	5	A. Would they inquire to me?
6	A. No.	6	Q. Yes.
7		7	A. I'm still not understanding the exact
8	BY MR. SHOEMAKER:	8	question.
9	Q. Now, you saw him doing this in his uniform?	9	Q. Did anyone ever come to you in 2009 --
10	A. Possibly, yes.	10	anyone ever come to you in 2009 and inquire of you
11	Q. When you saw him doing this, where were	11	whether any of your subordinates -- let me break it
12	you?	12	down a bit -- whether any of your subordinates were
13	A. It -- it just varies on when it was. I	13	supporting Jim Adams?
14	could be anywhere in my division. I could have been in	14	A. Okay. I understand. No.
15	my office. I could have been passing by or it could	15	Q. Did anyone ever come to you and inquire of
16	have been brought over to the people that agreed to	16	you whether your subordinates were supporting the
17	sell tickets and left.	17	sheriff for reelection?
18	Q. Do you think you saw him in each of those	18	A. No.
19	contexts at some time seeking deputies to sell tickets?	19	Q. Did anyone ever come to you and inquire of
20	MR. ROSEN: Objection to the form of the	20	you whether any one particular of your subordinates
21	question. Leading. You can answer.	21	were supporting the sheriff for reelection?
22	A. I would say no. They -- they would ask me	22	A. No.
23	if I wanted to sell tickets and they would give me some	23	Q. Has the sheriff made -- ever made any
24	tickets.	24	comment to you about his decision not to reappoint
25		25	Bobby Bland?

	62		64
1	A. No.	1	employment?
2	Q. Has the sheriff ever made any comment to	2	A. I tried to inquire to Major Richardson why
3	you about his decision to not reappoint Danny Carter?	3	Sandhofer needed to be reporting to his office.
4	A. No.	4	Q. And what did Major Richardson say to you?
5	Q. Has the sheriff ever made any comment to	5	A. Just: Bring him to the office this
6	you about his decision not to reappoint David Dixon?	6	afternoon when he's done working.
7	A. No.	7	Q. And that's all that was said between the
8	Q. Has the sheriff ever made any comment to	8	two of you?
9	you about his decision not to reappoint Robert McCoy,	9	A. Yes.
10	or Wayne McCoy?	10	Q. Were there any subsequent decisions about
11	A. No.	11	why John Sandhofer was being terminated? I mean, were
12	Q. Has the sheriff ever made any comment to	12	there any subsequent discussions between you and anyone
13	you about his decision not to reappoint John Sandhofer?	13	about why John Sandhofer was not being reappointed?
14	A. No.	14	A. Just some of the immediate staff as to why.
15	Q. Has the sheriff ever made any comment to	15	I didn't know why.
16	you about his decision not to reappoint Debbie	16	Q. So you're saying people subordinate to you
17	Woodward?	17	would come and inquire about why John Sandhofer --
18	A. No.	18	A. I discussed it with the supervisors, if
19	Q. Has Major Richardson ever made any comment	19	they knew why. I did not know why.
20	to you about the sheriff's decision not to reappoint	20	Q. So some supervisors would come and inquire
21	Bobby Bland?	21	of you, correct?
22	A. No.	22	A. Yes.
23	Q. Has Major Richardson ever made any comment	23	Q. And they would inquire as to why John
24	to you about the sheriff's decision not to reappoint	24	Sandhofer was not being reappointed? Correct?
25	Danny Carter?	25	A. I didn't have any knowledge of the
	63		65
1	A. No.	1	reappointment. It was just --
2	Q. Has Major Richardson ever made any comment	2	Q. I understand. I'm just asking you about
3	to you about the sheriff's decision not to appoint	3	what they were asking you. I'm trying to break it
4	David Dixon?	4	down.
5	A. No.	5	A. I'm trying to answer the best I can. When
6	Q. Has Major Richardson ever made any comment	6	someone is terminated, it's: Okay, why are you
7	to you about the sheriff's decision not to reappoint	7	terminated? The decision for someone to be terminated
8	Robert Carter -- Robert McCoy?	8	was not given to me so, naturally, I am curious as to,
9	A. No.	9	okay, why is this person no longer working? What has
10	Q. Has Major Richardson ever made any comment	10	he done?
11	to you about the sheriff's decision not to reappoint	11	Q. Okay. Let me stop you right there. Who
12	John Sandhofer?	12	did you talk to in an effort to satisfy that curiosity?
13	A. Yes.	13	A. Lieutenant Harding.
14	Q. What comment has he made to you in that	14	Q. Who else did you talk to?
15	regard?	15	A. It may have been Sergeant Ford.
16	A. That I need to bring him to his office at	16	Q. Who else did you talk to?
17	the end of the duty day.	17	A. I believe that was it.
18	Q. Is that all he said?	18	Q. And what did they say to you as a result of
19	A. Yes.	19	your discussion with them? What did they say to you?
20	Q. What duty day was this?	20	A. They didn't know.
21	A. The day that Sandhofer was let go,	21	Q. Did you talk to anyone else in an effort to
22	terminated, or however his letter stated that he is no	22	satisfy your curiosity as to why John Sandhofer was
23	longer employed.	23	being terminated?
24	Q. And did you have any discussions with	24	A. I talked to John Sandhofer.
25	anyone about the decision to terminate John Sandhofer's	25	Q. Did you think John Sandhofer was a pretty

	66		68
1	good deputy?	1	(The reporter read the record.)
2	MR. ROSEN: Object to the form of the	2	
3	question.	3	BY MR. SHOEMAKER:
4	You can answer it.	4	Q. Please answer that question to the best of
5	A. I had no issues with Sandhofer.	5	your ability.
6		6	A. I remember speaking to Lieutenant Harding
7	BY MR. SHOEMAKER:	7	and Sergeant Ford. That is the only two that I
8	Q. Did you think he was an above-average	8	remember speaking with.
9	deputy?	9	Q. Have you ever seen any documents explaining
10	A. I thought --	10	why John Sandhofer was not reappointed?
11	MR. ROSEN: Object to the form of the	11	A. I seen the document that was handed to him
12	question.	12	in Major Richardson's office. I did not read it.
13	You can answer it.	13	Q. Handed to him. You mean handed to John
14	A. I thought he was -- he was new to our	14	Sandhofer?
15	division. He -- I want to say he came over in	15	A. Yes.
16	February. And he was in training for his training	16	Q. And you never had a discussion with the
17	period and he did a good job serving papers. That's	17	sheriff about John Sandhofer or any of these other
18	what he was doing. He was serving civil process. I	18	plaintiffs about why they were not reappointed?
19	didn't have any issues with the work that he was doing	19	A. No.
20	on a daily basis.	20	MR. ROSEN: Objection, asked and answered.
21		21	
22	BY MR. SHOEMAKER:	22	BY MR. SHOEMAKER:
23	Q. Did you talk to anyone else who said	23	Q. Did any of these other -- I think John
24	anything to you about why John Sandhofer was not being	24	Sandhofer -- was he the only one of these plaintiffs
25	reappointed other than Lieutenant Harding, Sergeant	25	that worked under your supervision in late 2009?
	67		69
1	Ford, and Major Richardson?	1	A. Yes.
2	MR. ROSEN: Objection, asked and answered	2	Q. And no one -- no senior officers came to
3	for three times.	3	seek your input as to whether or not John Sandhofer
4	Answer it again.	4	should be reappointed in late 2009 or any other time in
5	And if you answer it in a -- if you ask in	5	2009?
6	a louder voice doesn't mean you get a different answer.	6	A. No.
7	Go ahead.	7	MR. ROSEN: Object to the form of the
8	MR. SHOEMAKER: I'm not the one raising my	8	question.
9	voice. The record should reflect the only person that	9	You can answer it.
10	has raised his voice in this deposition is Jeff Rosen.	10	
11	I have never raised my voice.	11	BY MR. SHOEMAKER:
12	MR. ROSEN: That's not correct.	12	Q. The answer is no?
13	MR. SHOEMAKER: I have a right to explore	13	A. No.
14	his memory.	14	Q. Did anyone make any comments to you about
15	MR. ROSEN: If you don't like what the	15	why -- did any senior officers within the Hampton
16	witness says, your voice goes up a notch.	16	sheriff's office ever make any comments to you about
17	MR. SHOEMAKER: Well, I don't think that's	17	why Debra Woodward was not reappointed?
18	true.	18	A. No.
19	MR. ROSEN: Okay.	19	Q. Did you ever work with Debra Woodward?
20	A. I remember speaking to --	20	A. I didn't work with her except for in
21	MR. ROSEN: Well, let's finish before you	21	coordination of training. That's the only thing. She
22	start answering? Okay?	22	was a training coordinator, and she would coordinate
23	MR. SHOEMAKER: There is a question on the	23	the training. If I had questions or concerns in
24	table. What was the question?	24	reference to training, I would talk to her about that.
25		25	But other than that, I did not work with her.

	70		72
1	Q. Did you find her to be competent?	1	that Wayne McCoy was on Jim Adams' Facebook -- campaign
2	MR. ROSEN: Object to the form of the	2	Facebook page?
3	question.	3	A. Yes.
4	You can answer it.	4	Q. And when did you learn about that?
5	A. Yes.	5	A. I believe it was the same time that
6	MR. SHOEMAKER: I'm going to take a break.	6	Carter's...
7	I'm going to review my notes. I'm probably going to	7	Q. Did you also learn that from Sergeant Ford?
8	have a few more questions, but I don't think there will	8	A. Yes.
9	be that many.	9	Q. Did you have -- ever have any discussions
10	I do want the record to reflect, only	10	with anyone else about the fact that either Danny
11	because I don't have a delivery receipt and mainly,	11	Carter or Wayne McCoy were on Jim Adams' campaign
12	Jeff, I know how I am, I delivered at the beginning of	12	Facebook page?
13	this deposition two letters to you, Jeff. One has to	13	A. I believe it was Lieutenant Harding.
14	do with the status of your discovery responses and the	14	Q. And what conversations -- what did you say
15	other is a second request for production and second set	15	to Lieutenant Harding?
16	of interrogatories.	16	A. She was there, I believe, when Sergeant
17	So I'm going to take a break now. I'm	17	Ford had told me. We were together.
18	going to have a few more questions for you, and then	18	Q. What did Lieutenant Harding have to say
19	we'll come back on the record here in about five or	19	about it?
20	ten minutes. Okay?	20	A. Everyone was basically shocked that they
21	THE DEPONENT: Okay.	21	would put a photo up on the website.
22		22	Q. Why was everyone shocked about that?
23	(Recess)	23	A. Basically, that they appeared not to be
24		24	supporting the sheriff.
25		25	Q. Did you think at the time -- did you know
	71		73
1	BY MR. SHOEMAKER:	1	at the time whether or not rank-and-file deputies had
2	Q. Let's go back on the record.	2	the right to support the sheriff's opponent?
3	Did there ever come a time in 2009 when you	3	MR. ROSEN: Object to the form of the
4	learned that Danny Carter was on Jim Adams' Facebook	4	question to the extent it calls for a legal conclusion.
5	page basically supporting Jim Adams for sheriff?	5	You can answer that.
6	A. Yes.	6	A. Can you state that again?
7	Q. How did you learn about that?	7	BY MR. SHOEMAKER:
8	A. It was told to me by a -- one of the	8	Q. Did you know at the time or did you think
9	supervisors in the division.	9	at the time that rank-and-file deputies had the right
10	Q. Do you remember which supervisor in the	10	to support Jim Adams for sheriff?
11	division told you that?	11	A. Yes.
12	A. I want to say it was Sergeant Ford.	12	Q. Did you think at the time that they had the
13	Q. And did Ford have an opinion about that?	13	right to do so publicly?
14	A. Exactly what he said, I don't -- I don't	14	A. Yes.
15	remember exactly what he said, but it could be he was	15	Q. Did you have any discussions about this
16	shocked, I guess.	16	issue with anyone other than Sergeant Ford and
17	Q. And did you and Sergeant Ford have a	17	Lieutenant Harding?
18	discussion about this?	18	A. That was it as far as I remember. Just
19	A. Other than him telling me that he was --	19	those two.
20	placed a photo or something on Facebook. And that he	20	Q. Now, did there come a time when you learned
21	was shocked. And I was shocked as well.	21	that some photos of a cookout or a party had been
22	Q. That Danny Carter had put the photo on	22	placed on Facebook and that the photos were of an event
23	Facebook and that Ford --	23	that Jim Adams attended?
24	A. Someone did. His photo was on there.	24	A. Photos placed on where? Whose?
25	Q. And did there come a time when you learned		

	74		76
1	Q. Placed online somewhere.	1	Q. What did you do?
2	A. Online?	2	A. I sold golf tournament tickets.
3	Q. Yeah.	3	Q. Anything else?
4	A. I remember a -- the rumors that there was a	4	A. I put up signs.
5	picnic. I don't -- I don't remember if I seen photos	5	Q. Anything else?
6	of it or not.	6	A. And I assisted the polls.
7	Q. What do you remember hearing about this	7	Q. And was there anything else?
8	picnic?	8	A. I attended a -- I don't know what -- it was
9	A. That there was -- it was a shift picnic	9	a -- it was a function for the sheriff. I don't
10	from the corrections side of the house. And that a lot	10	remember what it was called.
11	of the people was there, and I believe that Jim Adams	11	Q. Was it at someone's home?
12	showed up as well.	12	A. Yes.
13	Q. And this came to light in either late	13	Q. Was this the one at the mayor's home?
14	August or September of 2009?	14	A. Yes.
15	A. I don't remember the exact date.	15	Q. Did you attend any other events?
16	Q. Some time during the 2009 campaign?	16	A. I attended one or two debates.
17	MR. ROSEN: Objection.	17	Q. Did you attend any other events?
18	You can answer it.	18	A. Just the golf tournament.
19	A. I would say yes.	19	Q. Did you ever see John Sandhofer at either
20		20	of those debates?
21	BY MR. SHOEMAKER:	21	A. I don't remember seeing him there, no.
22	Q. And do you remember John Sandhofer being	22	Q. Do you remember John Sandhofer dating a
23	among the employees whose pictures were being shown at	23	girl named Jennifer Strube (phonetic) in the fall of
24	that cookout?	24	2009?
25	A. I don't remember him. I just remember in	25	A. No.
	75		77
1	general that there was a cookout with some photos and	1	Q. Do you remember his -- who he was dating at
2	that Jim Adams appeared.	2	all in the fall of 2009?
3	Q. Did you have any discussions about these	3	A. No.
4	photos or this cookout with anyone?	4	Q. Do you know if any senior officers within
5	A. I don't remember discussing that, no.	5	the Hampton sheriff's office made an effort to
6	Q. Do you remember hearing anyone else discuss	6	determine who had attended that cookout we were
7	it?	7	discussing just a few minutes ago in 2009?
8	A. I don't remember anyone else saying. That	8	A. I don't have any knowledge of it.
9	was a correctional function. It didn't involve the	9	Q. Did anyone ever come to you and ask you
10	courts division.	10	what you knew about that cookout?
11	Q. Did you know in the fall of 2009 whether or	11	A. No.
12	not John Sandhofer supported the sheriff or not?	12	Q. Have you ever spoken to a group of
13	A. I thought that he did.	13	sheriff's office employees in support of the sheriff's
14	Q. Did there ever come a time in 2009 when you	14	reelection efforts?
15	learned that he did not?	15	A. In a group like in a meeting or...?
16	A. No.	16	Q. Yeah. Have you ever spoken to a group of
17	Q. Did you serve on any committee whose	17	two or more Hampton sheriff's office employees on an
18	mission it was to support the sheriff's reelection	18	occasion, the purpose of which was to speak in support
19	effort in 2009?	19	of the sheriff's reelection effort?
20	A. On a committee?	20	A. I would say probably yes.
21	Q. Yeah.	21	Q. How many times can you remember doing that?
22	A. No.	22	A. It was -- it had to be random at best.
23	Q. Did you do any work in support of the	23	Q. Would you do this at work?
24	sheriff's reelection effort in 2009?	24	A. At work, after -- it -- it -- I don't
25	A. Yes.	25	remember the time when it was. I remember speaking,

	78		80
1	just asking, you know, pretty much during the election	1	A. This morning.
2	campaign, you know, to support the sheriff. And if you	2	Q. And what did you and Deputy Youngblood
3	can't support the sheriff, then just be neutral.	3	speak about?
4	Q. And you'd do this sometimes at work and	4	A. That I was not going to be here. I was
5	sometimes after work?	5	scheduled to teach CPR and first-aid and I was not
6	MR. ROSEN: Objection to the form of the	6	going to be here. I had to go to a deposition today.
7	question. Mischaracterizes testimony.	7	Q. And that's the extent of your conversation
8	You can answer.	8	with Deputy Youngblood?
9	A. I don't remember exactly when it was. It	9	A. Yes.
10	could be possibly either way, at work or after,	10	Q. And I'm sorry. Who else was it you said
11	depending upon what the circumstance was.	11	you talked to?
12	BY MR. SHOEMAKER:	12	A. Lieutenant Harper. Same.
13	Q. So that I understand your question -- your	13	Q. The only conversation you had with
14	answer, your answer is that these talks that we've just	14	Lieutenant Harper was about the scheduling of this
15	discussed could have occurred either at work or after	15	deposition?
16	work. Is that fair?	16	A. Yes.
17	A. That's fair.	17	Q. Do you ever remember hearing about an
18	Q. Did any of your seniors ever say to you or	18	incident regarding David Dixon at the polls in November
19	a group that you were part of within the Hampton	19	of 2009?
20	sheriff's office, you know: I hope you can support the	20	A. No.
21	sheriff but if you can't, you know, I want you to stay	21	Q. Did you ever remember hearing about an
22	neutral?	22	incident between David Dixon and Frances Pope?
23	A. Seniors for me, no.	23	A. I don't remember hearing anything between
24	Q. How about the sheriff himself? Did the	24	those two.
25		25	Q. I want to ask you a hypothetical question.
	79		81
1	sheriff -- did you ever hear the sheriff himself say	1	If a sheriff's office employee off duty, away from any
2	that?	2	location related to work, were to say to another
3	A. He probably said that at the meeting.	3	sheriff's office employee who was holding a piece of
4	Something to that effect.	4	paper, quote, "You can throw that fucking shit away,"
5	Q. Have you ever spoken to the sheriff about	5	end quote, would the speaker, the sheriff's office
6	this case outside the presence of Mr. Rosen?	6	employee, be subject to discipline within the Hampton
7	A. No.	7	sheriff's office?
8	Q. Have you ever spoken about this case to any	8	MR. ROSEN: Objection, calls for
9	other sheriff's office employee? Other than what	9	speculation. Improper hypothetical. Mischaracterizes
10	you've told me already here today.	10	the evidence.
11	A. In reference to questions and...?	11	You can answer.
12	Q. About this case at all. Have you spoken	12	A. I can't say that they would be subject to
13	with any other employees about this case at all?	13	discipline or they wouldn't.
14	A. Just about having to be present for a	14	
15	deposition on this date.	15	BY MR. SHOEMAKER:
16	Q. Who have you spoken to about that?	16	Q. All right. Have you ever heard of a
17	A. My major.	17	Hampton sheriff's office employee being subjected to
18	Q. And that is? Is that Major Richardson	18	discipline arising from an incident like that?
19	or --	19	A. I don't remember any incidents like that.
20	A. Wells-Major.	20	Q. Captain, thank you very much for your time
21	Q. All right.	21	this morning. I appreciate it. That's all I've got.
22	A. And Deputy Youngblood. And Lieutenant	22	
23	Harper.	23	BY MR. ROSEN:
24	Q. When did you speak with Deputy Youngblood	24	Q. I have a few follow-up questions, Captain.
25	about this case?	25	You were asked concerning your knowledge of

<p style="text-align: right;">82</p> <p>1 various employees and I wanted to ask you a couple of 2 things. Do you have any information concerning job 3 performance in the past while working for the Sheriff's 4 Department of Bobby Bland?</p> <p>5 A. No.</p> <p>6 Q. How about Daniel Ray Carter? Are you aware 7 -- you mentioned an incident in which he left a gun in 8 a vehicle. What do you know about that?</p> <p>9 A. That was a gun that belonged to him. 10 Sergeant Ford is the one that left the weapon in the 11 vehicle. Deputy Carter's gun came up missing and was 12 found on the interstate, if that's the right incident.</p> <p>13 Q. So he lost his gun?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know if he was disciplined for that? 16 A. I don't recall any disciplinary action on 17 that.</p> <p>18 Q. Are you aware of any other job performance 19 issues Danny Carter had while employed by the Sheriff's 20 Department?</p> <p>21 A. I read this incident here (indicating).</p> <p>22 Q. So the one you're referring to is the 23 June 8th, 2005, incident which was marked Plaintiff's 24 No. 15. Was that an incident he was involved in?</p> <p>25 A. Yes, I believe he was.</p>	<p style="text-align: right;">84</p> <p>1 Q. Was he ever disciplined for that? 2 A. No.</p> <p>3 Q. Going back to Daniel Ray Carter, does his 4 wife work for the Sheriff's Department, too?</p> <p>5 A. Yes, she does.</p> <p>6 Q. Was she reappointed after the 2009 7 election?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know whether her picture was posted 10 on Facebook along with her husband's?</p> <p>11 A. I think that she was on there with her 12 husband. Both of them together.</p> <p>13 Q. But she was reappointed?</p> <p>14 A. She was reappointed.</p> <p>15 Q. Is it fair to say you don't know why the 16 sheriff did not reappoint the deputies he did not 17 reappoint in 2009?</p> <p>18 A. That's fair.</p> <p>19 Q. Going on to Robert McCoy, did you have any 20 performance issues with Robert McCoy?</p> <p>21 A. Yes, McCoy had -- he was confrontational 22 and he was written up at least on one occasion, maybe 23 two occasions, when he worked with me in the civil 24 division.</p> <p>25 Q. Confrontation with other employees, you</p>
<p style="text-align: right;">83</p> <p>1 Q. Were you aware of that prior to being shown 2 that document by Mr. Shoemaker?</p> <p>3 A. I don't remember that incident.</p> <p>4 Q. Okay. But you said you're aware of it now?</p> <p>5 A. I'm aware of it now, yes.</p> <p>6 Q. Any other job performance incidents or 7 performance issues that you're aware of with Danny 8 Carter while he was employed with the Sheriff's 9 Department?</p> <p>10 A. Not for Danny Carter, no.</p> <p>11 Q. How about David Dixon? What about him?</p> <p>12 A. Nothing in reference to Dixon that required 13 any disciplinary action.</p> <p>14 Q. But any other issues, performance issues or 15 problems?</p> <p>16 A. Performance issues, he had no performance 17 issues. He did a good job while he was working with me 18 in the civil division.</p> <p>19 Q. Okay.</p> <p>20 A. He was outspoken.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. He just said what was on his mind. It may 23 be if they was in a -- in the office setting or 24 something like that, he would tell jokes or something 25 like that. And he was outspoken about what he said.</p>	<p style="text-align: right;">85</p> <p>1 mean?</p> <p>2 A. Yes.</p> <p>3 Q. Was he difficult to get along with?</p> <p>4 A. Yes.</p> <p>5 Q. Were there complaints made about him, 6 against him, by people who he served process on, if you 7 know?</p> <p>8 A. More -- I would say that could be a fair 9 statement, but it was more so with employees.</p> <p>10 Q. Was he a little weird in his demeanor?</p> <p>11 A. Depending on what you mean by weird.</p> <p>12 Q. Well, you explain his demeanor to me.</p> <p>13 A. He -- weird, he's a little -- he's always 14 telling some type of corny jokes and, you know, he -- 15 he would be perfectly fine one day and the next day he 16 would come in and he's like on the warpath for no 17 reason.</p> <p>18 Q. So mood swings?</p> <p>19 A. Mood swings, yes. Very moody person.</p> <p>20 Q. Now, as far as any of these employees, were 21 you aware whether any of these plaintiffs, Bland, 22 Carter, Dixon, McCoy, Sandhofer, Woodward, supported 23 Sheriff Roberts during the election?</p> <p>24 A. I thought they all did. I didn't know 25 until I -- till I started seeing pictures contrary to</p>

	86		88
1	that and I seen the picture of McCoy and the picture of	1	Q. That's all I have. Thank you.
2	Carter.	2	MR. ROSEN: We'll read.
3	Q. Okay. Well, just because the picture was	3	
4	on the Adams' Facebook page doesn't necessarily mean	4	(Signature not waived.)
5	they didn't support Roberts, does it?	5	
6	MR. SHOEMAKER: Object to the form of the	6	(Whereupon, the deposition was
7	question.	7	concluded at 12:26 p.m.)
8		8	
9	BY MR. ROSEN:	9	
10	Q. Answer it.	10	
11	A. I guess it doesn't necessarily mean, but it	11	
12	appears that they did.	12	
13	Q. In fact, you said you went to a meeting at	13	
14	the mayor's house which was a fundraiser for Sheriff	14	
15	Roberts; is that right?	15	
16	A. Yes.	16	
17	Q. Was Sandhofer there as well?	17	
18	A. I don't remember seeing Sandhofer. He may	18	
19	have been there. I don't -- I don't remember seeing	19	
20	him. I didn't pal around with him.	20	
21	Q. Okay. Did you ever hear anyone in the	21	
22	Sheriff's Department, in the administrative staff ever	22	
23	tell any of the employees if they did not support	23	
24	Sheriff Roberts, they would be terminated?	24	
25	A. No.	25	
	87		89
1	Q. Did you ever hear any one of the senior	1	DEPOSITION ERRATA SHEET
2	staff threaten any of the deputies if they did not sell	2	
3	tickets to the barbecue they would not be reappointed?	3	Case Caption: Bland, et al. v. Roberts
4	A. No.	4	DepONENT: Robert McGee
5	Q. Did you ever hear any threats whatsoever,	5	Deposition Date: October 11, 2011
6	hear or make any yourself, to any of the sheriff's	6	I have read the entire transcript of my deposition
7	deputies that if they were not absolutely loyal to the	7	taken in the captioned matter or the same has been read
8	sheriff or support him in his reelection efforts, they	8	to me. I request that the following changes be entered
9	would not be reappointed?	9	upon the record for the reasons indicated. I have
10	A. No.	10	signed my name to the Errata Sheet and the appropriate
11	Q. Answer any of counsel's questions in	11	Certificate and request both to be attached to the
12	follow-up.	12	original transcript.
13		13	Page/Line Nos. Correction/Reason
14	BY MR. SHOEMAKER:	14	_____
15	Q. Are you certain it was Danny Carter who	15	_____
16	lost the gun?	16	_____
17	A. I am fairly certain.	17	_____
18	Q. Why -- why -- if someone leaves a gun on	18	_____
19	the side of the interstate, why are they not	19	_____
20	disciplined?	20	_____
21	A. If I remember the incident particularly,	21	_____
22	the gun was reported stolen. And it was found. It	22	_____
23	wasn't left on the side of the interstate.	23	_____
24	Q. So Carter reported the gun as being stolen?	24	Signature: _____ Date: _____
25	A. I think that's the incident, yes.	25	Robert McGee

90

1 CERTIFICATE OF DEPONENT
 2 COMMONWEALTH OF VIRGINIA
 3 CITY OF _____

4
 5
 6 Before me, this day, personally appeared Robert
 7 McGee, who, being duly sworn, states that the foregoing
 transcript of this deposition, taken in the matter, on
 the date and at the place set out on the title page
 8 hereof, constitutes a true and complete transcript of
 said deposition.
 9

10
 11
 12 -----
 13 Robert McGee
 14
 15

16 SUBSCRIBED and SWORN to before me this _____
 17 day of _____, 2011, in the jurisdiction
 aforesaid.
 18
 19
 20

21 My Commission Expires _____ Notary Public
 22
 23
 24
 25

91

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:
 2 I, Juanita Harris Schar, RMR, CCR, CRR, a
 3 Notary Public for the Commonwealth of Virginia at large,
 of qualification in the Circuit Court of the City of
 4 Virginia Beach, Virginia, and whose commission expires
 April 30, 2014, do hereby certify that the within named
 5 deponent, ROBERT McGEE, appeared before me at Virginia
 Beach, Virginia, as hereinbefore set forth, and after
 being first duly sworn by me, was thereupon examined
 6 upon his oath by counsel for the respective parties;
 that such examination was recorded in Stenotype by me
 7 and reduced to computer printout under my direction; and
 that the foregoing constitutes a true, accurate, and
 8 complete transcript of such examination to the best of
 my ability.
 9

10 I further certify that I am not related to
 nor otherwise associated with any counsel or party to
 this proceeding, nor otherwise interested in the event
 thereof.
 11

12 Given under my hand and notarial seal this
 25th day of October, 2011, at Virginia Beach, Virginia.
 13
 14
 15 -----

16 Notary Public
 17 Certified Court Reporter No. 0313085
 18
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 25